IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 22625 of 2007(R)

AGAINST THE ORDER DATED 23/12/2005 IN IA. 1957 /2004 IN LAR.165/1996 of ADDL.SUB COURT,KOLLAM

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PETITIONER:

M.D.RAJU, THOPPIL HOUSE,
KADAPPA, MYNGAPPALLY, KOLLAM.

BY ADV. SRI. K.SIJU
SRI.PRATHEESH.P

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
THE DISTRICT COLLECTOR, KOLLAM.

BY GOVERNMENT PLEADER SMT. R.BINDU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 22625 OF 2007 R

Dated this the 6th August, 2007.

JUDGMENT

This writ petition is preferred against the order of the Subordinate Judge, Kollam in I.A.1957/04 in L.A.R.165/96. It was an application to review the award passed by the court. A perusal of the review order would reveal that since the claimant and the counsel were absent the court confirmed the award without giving any relief to the claimants therein. It is a settled proposition that land acquisition reference shall not be dismissed for default. Here it is not dismissed for default but the court has only confirmed the award passed by the Tahsildar or in other words court has not chosen to grant any further relief to the claimant. Even when a party is not appearing before the court in land acquisition proceedings the courts are bound to consider the matter on merits and find out whether the compensation awarded is proper or not. Such an approach has not been made by the court below. Therefore, interest of justice mandates that an opportunity be given to the claimant to establish his claim. Therefore, the award which was passed by the court below is set aside and the Subordinate Judge, Kollam is directed to restore L.A.R.165/96 to file and dispose of the matter in

accordance with law. It is made clear that the land acquisition court can consider regarding the grant of interest during the interregnum of the disposal and till this date and it can refuse if there are no adequate reasons. The courts below shall dispose it of as expeditiously as possible. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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